

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT STOLARIK, :
Plaintiff, : 17-cv-05083-PGG
: :
-against- :
: :
THE NEW YORK TIMES COMPANY and MICHELE :
MCNALLY, THE NEW YORK TIMES COMPANY, :
MICHELE MCNALLY, TRUSTEES OF THE :
NEWSPAPER GUILD OF NEW YORK - NEW :
YORK TIMES PENSION PLAN, NEWSPAPER :
GUILD OF NEW YORK – NEW YORK TIMES :
PENSION PLAN, TRUSTEES OF THE GUILD- :
TIMES ADJUSTABLE PENSION PLAN, and GUILD :
- TIMES ADJUSTABLE PENSION PLAN :
: :
Defendants. :
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DECLARATION OF ROBERT A. COSTELLO

ROBERT A. COSTELLO declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the founding principal of C&R Consulting, Inc., which is the third party administrator for the Newspaper Guild of New York–The New York Times Pension Plan (“Pension Plan”) and the Guild–Times Adjustable Pension Plan (“APP”, together with the Pension Plan, the “Plans”). I submit this Declaration based on personal knowledge and information obtained in my capacity as third party administrator of the Pension Plan and APP in support of the Plan Defendants’ Motion to Dismiss the Eleventh Cause of Action of the Amended Complaint.

2. On October 25, 2017, counsel to the Plans produced a copy of the administrative record to counsel for Plaintiff Robert Stolarik (“Stolarik”), including the documents identified below. Attached hereto as Exhibit A is a true and correct copy of the

transmittal letter accompanying the administrative record.

3. Attached hereto as Exhibit B is a true and correct copy of sections of the Newspaper Guild of New York–New York Times Pension Plan, as Amended and Restated Effective January 1, 2015, cited in the Plan Defendants' Memorandum of Law.

4. Attached hereto as Exhibit C is a true and correct copy of sections of the Guild–Times Adjustable Pension Plan, as Amended and Restated Effective January 1, 2016, cited in the Plan Defendants' Memorandum of Law.

5. Attached hereto as Exhibit D is a copy of the Freelance Agreement by and between The New York Times Company (“The Times”) signed by Stolarik on April 2, 2004.

6. Attached hereto as Exhibit E is a true and correct copy of the July 28, 2016 letter from Lee F. Bantle, Stolarik's counsel, to the Trustees of the Pension Plan and APP, addressed to me, Robert A. Costello, enclosing a copy of the Affidavit of Robert Stolarik.

7. Attached hereto as Exhibit F is a true and correct copy of the April 5, 2016 letter from Lee F. Bantle to Nancy Weikl of C&R Consulting, Inc.

8. Attached hereto as Exhibit G is a true and correct copy of the August 8, 2016 letter from me, Robert A. Costello, to Christopher Biegner of The Times.

9. Attached hereto as Exhibit H is a true and correct copy of the August 29, 2016 letter from Marcijane Kraft of The Times to the Trustees of the Plans, addressed to me, Robert A. Costello.

10. Attached hereto as Exhibit I is a true and correct copy of the January 24, 2017 letter from me, Robert A. Costello, to Lee F. Bantle.

11. Attached hereto as Exhibit J is a true and correct copy of the March 16, 2017 letter from Lee F. Bantle to me, Robert A. Costello.

12. Attached hereto as Exhibit K is a true and correct copy of the April 3, 2017 letter from me, Robert A. Costello, to Marcijane Kraft.

13. Attached hereto as Exhibit L is a true and correct copy of the April 24, 2017 letter from Marcijane Kraft to the Trustees of the Plans, addressed to me, Robert A. Costello.

14. Attached hereto as Exhibit M is a true and correct copy of the May 5, 2017 letter from me, Robert A. Costello, to Lee F. Bantle.

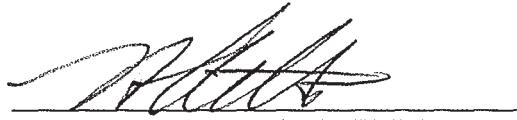
15. Attached hereto as Exhibit N is a true and correct copy of the July 25, 2017 email from Nancy Weikl to Marcijane Kraft.

16. Attached hereto as Exhibit O is a true and correct copy of the August 3, 2017 letter from Marcijane Kraft to Nancy Weikl.

17. Attached hereto as Exhibit P is a true and correct copy of the September 15, 2017 letter from me, Robert A. Costello, to Lee F. Bantle.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 11, 2018



ROBERT A. COSTELLO